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NO. 3151 P. 1

TO:USPTO

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Deliver to: Craig Thompson, USPTO

Art Group: 2813

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Date: August 31, 2004

From: Thinh V. Nguyen, Reg. No. 42,034

Our Docket No.: 42P13554D

Number of pages 7; including this sheet.

Application No.: 10/777.619

Filing Date: 2/12/2004

Docket Due Date(s): 9/2/2004

Enclosed are the following documents:

- ☒ Amendment: Response (2 pgs)

☐ Appeal Brief (In triplicate) (____ pgs)

☐ Application: _____
(____ pgs) w/cover & abstract)

☐ Assignment & Cover Sheet (____ pgs)

☒ Certificate of Facsimile

☐ Continued Prosecution Application (CPA)

☐ Declaration & POA (____ pgs)

☐ Drawings: ____ sheets, ____ figures

☐ Extension of Time: _____

☒ Fee Transmittal (in duplicate)

☐ IDS & PTO/SB/08 (____ pgs)

☐ Other _____

☐ Issue Fee Transmittal

☐ Notice of Appeal

☐ Petition for: _____

☐ Request for Continued Examination (RCE)

☐ Reply Brief (____ pgs)

☐ Request & Certification Under 35 USC 122(b)(2)(B)(i)

☐ Request to Rescind Previous Nonpublication Request

☐ Response to Notice of Missing Parts & Formalities Letter

☐ Response to Written Opinion (____ pgs)

☐ Terminal Disclaimer

☐ Transmittal of Publication Fee Due

☒ Transmittal Letter

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Tu T. Nguyen

08/31/2004

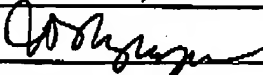
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application No.	10/777,619
		Filing Date	February 12, 2004
		First Named Inventor	Lamberto V. Nepomuceno
		Art Unit	2813
		Examiner Name	Craig Thompson
Total Number of Pages in This Submission	5	Attorney Docket Number	42P13554D

ENCLOSURES <i>(check all that apply)</i>		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; height: 60px; width: 100%;"></div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Thinh V. Nguyen, Reg. No. 42,034 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	August 31, 2004

CERTIFICATE OF MAILING/TRANSMISSION			
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Typed or printed name	Tu T. Nguyen		
Signature		Date	August 31, 2004

Based on PTO/SB/21 (04-04) as modified by Blakey, Sokoloff, Taylor & Zafman (wtr) 06/04/2004.
 SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

FEE TRANSMITTAL for FY 2004

Effective 01/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known

Application Number	10/777,619
Filing Date	February 12, 2004
First Named Inventor	Lamberto V. Nepomuceno
Examiner Name	Craig Thompson
Art Unit	2813
Attorney Docket No.	42P13554D

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account

Deposit Account Number

02-2666

Deposit Account Name

Blakely, Sokoloff, Taylor & Zafman LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) or underpayment of fees as required under 37 CFR §§ 1.18, 1.17, 1.18 and 1.20.
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	180	2005	80	Provisional filing fee	
SUBTOTAL (1)					(8)

2. EXTRA CLAIM FEES

Total Claims . 20th = X =

Independent Claims . 3 = X =

Multiple Dependent =

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	43	Independent claims in excess of 3	
1208	290	2208	145	Multiple Dependent claim, if not paid	
1204	86	2204	43	**Reissue independent claims over original patent	
1206	18	2206	9	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(8)

*for number previously paid, if greater, For Reissues, see below

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
2053	130	2053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920 *	1804	920 *	Requesting publication of SIR prior to Examiner action	
1805	1,840 *	1805	1,840 *	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	560	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1404	330	2401	189	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	2451	1,210	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	685	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(a)	
1808	160	1808	160	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	1809	385	Filing a submission after final rejection (37 CFR § 1.128(a))	
1810	770	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (8)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Thinh V. Nguyen	Registration No. (Attorney/Agent)	42,034	Telephone	(714) 557-3800
Signature		Date	08/31/04		

Based on PTO/55/17 (10-03) as modified by Blakely, Sokoloff, Taylor & Zafman (w/ 02/10/2004.
 SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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Effective 01/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

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Filing Date	February 12, 2004
First Named Inventor	Lamberto V. Nepomuceno
Examiner Name	Craig Thompson
Art Unit	2813
Attorney Docket No.	42P13554D

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account

 Deposit
Account
Number

 Deposit
Account
Name

02-2666

Blakely, Sokoloff, Taylor & Zafman LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) or underpayment of fees as required under 37 CFR §§ 1.18, 1.17, 1.19 and 1.20.
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 Multiple Dependent: =

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*or number previously paid, if greater. For Reissues, see below

FEE CALCULATION (continued)

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Other fee (specify)					
SUBTOTAL (3)					(5)

*Reduced by Basic Filing Fee Paid

SUBMITTED BY

Name (Print/Type)

Thinh V. Nguyen

Registration No.
(Attorney/Agent)

42,034

Complete (if applicable)

Telephone

(714) 557-3800

Signature

Date

08/31/04

 Based on PTO/SB/17 (10-03) as modified by Blakely, Sokoloff, Taylor & Zafman (Wtr) 02/10/2004.
 SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

AUG. 31. 2004 3:04PM

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Appl. No. 10/777,619

Amdt. Dated 08/31/2004

Reply to Office action of 08/02/2004

NO. 3151

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application. No. : 10/777,619
Applicant : Lamberto V. Nepomuceno
Filed : 02/12/2004
TC/A.U. : 2813
Examiner : Craig Thompson

Confirmation No. 4618

Docket No. : 042390.P13554D
Customer No. : 8791

Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In the Office Action mailed August 2, 2004, the Examiner contends that Applicant claims two distinct inventions; namely, Group I (claims 1-18), drawn to a method, classified in class 438, subclass 110 and Group II (claims 19-36), drawn to article system, classified in class 700, subclass 121. Thus, pursuant to 35 U.S.C. 121, the Examiner requires Applicants to restrict the application to one of the alleged two inventions.

In response, Applicants submit that the restriction requirement is improper because part of the claims in question were canceled. Claims 1-18 and 27-36 were canceled and new claims 37-44 were added in the preliminary amendment filed on February 12, 2004.

AUG. 31. 2004 3:04PM

BST&Z - CM

NO. 3151 P. 6

Appl. No. 10/777,619

Amdt. Dated 08/31/2004

Reply to Office action of 08/02/2004

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: August 31, 2004

By


Thanh V. Nguyen

Reg. No. 42,034

Tel.: (714) 557-3800 (Pacific Coast)

12400 Wilshire Boulevard, Seventh Floor
Los Angeles, California 90025

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Date: August 31, 2004


Tu Nguyen

August 31, 2004

Date

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